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TO HIS GRACE,

His Majesties HIGH COMMISSIONER:

And the RIGHT HONOURABLE,

THE

LORDS of their MAJESTIES THESAURIE and EXCHEQUER.

WILLIAM CLIELAND Usher-Depute,

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Humbly Sheweth,

THat *Archibald Mckevan* having lately obtained from His Majestie a Signature, appointing him to be Keeper of the Council Chamber, and to furnish it with Coal and Candle; As also to furnish Pen, Ink, Paper and Parchment; With Coal and Candle to the Exchequer, and Old and New Thesaurie Rooms; and that he have therefore the Sallarie and Pensions contained in his Signature: It is now presented to your Lordships to be past in Exchequer. As to which your Petitioner humbly represents, That the said Signature being groundlesly Impetrate from his Majesty, and a down-right incroachment and invasion upon my Lord *Ballendine* his undoubted Right, as Heritable Usher, and your Petitioners Office as his Depute, it cannot be past nor Expede, for the Reasons following; *Viz.* First, Because my Lord *Ballendine* and his Predecessors, past memorie, and since the foundation of the Exchequer, have as Heritable Ushers thereof by themselves, and their Deputes, peaceably possest the said Offices, and whole Profites belonging thereto, without either Trouble or Question, Except that during the *English* Usurpation, the late Lord *Ballendine* was necessitate to flie the Kingdom.

2*do.* Immediately after the Return of King *Charles* the Second, the Lord *Ballendine* was restored to his Office as Heritable Usher, and the deceast *James Somervail* as his Depute did peaceably enjoy the said whole Offices, and Sallaries and Profites thereof contained in *Mckevans* Signature, by vertue of the said Deputation; and not only during all the said Lord *Ballendines* Life, but likewise so long as *James Somervail* himself lived; Whereby it is clear that *James Somervails* possession being my Lord *Ballendines* possession, it did and doth evidently demonstrate the Extent of the Lord *Ballendines* Gift and Right.

3*tio.* The only Ground and Occasion of *Mckevans* pretended Signature was this, *Viz.* That *James Somervail* fearing that his Deputation might expire with the Lord *Ballendine* the Granter; And pretending that the Allowances granted him by the Lords of Thesaurie needed the Kings Confirmation; taker advantage of the Minority and absence of the present Lord *Ballendine*; and obtains a Signature by plain Obreption from King *Charles* the Second, of the same Offices, now acclaimed by *Mckevan* to himself, during his own life; and thereafter to his Son during his life. And thereafter the Son dying, he obtains a new Gift in the Year 1681, to himself, and after him to this *Archibald Mckevan*, and failzing of *Mckevan*, to a second Son *William Somervail*; Whereupon *Mckevan* again after *Somervails* decease, supplants *Somervails* Son, by obtaining a New Gift to himself in the year 1687. without mention of the said *Williams* Substitution. And upon all these Gifts this last now before your Lordships, is only impetrate; But so it is, that the aforelaid first Gift obtained by the deceast *James Somervail*, as said is, and the Foundation of all the rest, was not only a manifest and ungrate Incroachment upon the Lord *Ballendines* Right; But an evident inverting of his possession, as its clear from the very narrative, bearing these words, which Imployments has been now Exerced and Discharged be the said *James* these many years bygone, for which he received the summs of Money *respective* above-

specified

ſpecified; And which proves unanſwerably that *Somervail* had theſe Imployments by the Lord *Ballendines* Deputation; And that his taking a new Gift, thereof from the King was an inverting of his Maſters Right, which being the undenyable Ground of the ſubſequent Signatures; and of this laſt Signature of *Mckevans*, it is manifeſt that all of them after *Somervail* and *Mckevans* part, *laborant eodem vitio*, and that they cannot prejudge the Lord *Ballendine* and his Deputes.

4*to.* When the Petitioner after *Somervails* death, obtained upon his great Expence, a new Deputation of Uſher-Depute, from the preſent Lord *Ballendine*, *Mckevan* did then compear and oppoſe the ſame, upon his foreſaid pretended Gifts; And the Lords of Exchequer after a full hearing, Rejected *Mckevans* Signature, ſubſtituting him to the deceaſt *James Somervail*, and preferred your Petitioner; So that it is *res hactenus judicata*, and your Lordſhips Petitioner by Vertue of his ſaid Deputation, and Preference, hath conſtantly been and now is in peaceable poſſeſſion.

5*to.* When thereafter *Mckevan* did in this importune way obtain the foreſaid New Signature in the year 1687; the matter came again to be debated before the Lords of Exchequer; and they after full Conſideration of the Caſe, Found, That the appointing of a Keeper for the Council Chamber, was to intoduce a new Office, and multiply Offices needleſly, to the prejudice and Burden of the Kings Lieges; And that the Lord *Ballendines* Deputes had Exerced the ſame; And that the Council and Exchequer chamber being one, it would breed confuſion, and unſecure the Lord *Ballendines* Truſt of the Furniture and Papers in that Chamber, to make a new Keeper. And that as to the Exchequer, the Lord *Ballendine* and his Deputes could not be incroached on; Whereby *Mckevan* was a ſecond time Deſeat.

6*to.* As *Mckevans* Importunity and Confidence appears to be very extraordinary, his having Impetrate the third Signature, So it is moſt humbly repreſented to your Lordſhips, how inconvenient it were to Erect this new Office, contained in the Signature, for the Reaſons already found by the Exchequer; *Viz.* The increaſing of Burdens on the Kings Lieges, the confounding of and incroaching upon the Lord *Ballendines* Office, and the rendering wholly looſe and unſafe the keeping of the Furniture, and Writes, for which the Lord *Ballendine* and his Deputes are Anſwerable. And farder, That your Petitioner who Purchaſed his Deputation at a dear Rate, ſhould in effect have little or nothing for his Attendance; In Reſpect, that the Lord *Ballendine* hath ſtill the Uſhers old Fie of Eleven or Twelve pounds Sterling, and your Petitioner hath only the foreſaid Allowance, and *perquiſites* for all his Money and Pains; Beſides, ſince that the Counſel and Exchequer Chamber are both the ſame; And that your Petitioner is Uſher-Depute to the Exchequer, to whom he is bound to furniſh Pen, Ink, Paper and Parchment, Coal and Candle, and to keep and preſerve the Room and its Furniture. How can any other intrude upon him, So that he is confident your Lordſhips will find that *Mckevans* Importunity tends only to incroach upon and confound your Petitioners Office and Poſſeſſion; And to deminiſh the Right and Profites which he has fairly purchaſed at a conſiderable Expence.

And ſeeing it is your Lordſhips cuſtom in ſuch Caſes where inconveniences occur, both to His Majeſtie and to His Lieges upon new Gifts given *periculo impetrantis*, to ſtope the ſame, untill they be fully and ripely Conſidered, and His Majeſty truely informed.

May it therefore Pleaſe Your Grace, and Lordſhips graciouſly to Conſider the Premiſes, and to appoint a Committee of your own number, for Examining this matter fully, after hearing of both parties; And in the mean time to ſtope the paſſing of Mckevans *Signature; And to Ordaine your Petitioner to continue in his peaceable poſſeſſion ay and while the Contraverſie be fully determined.*

And Your Petitioner ſhall ever pray, &c.